REMARKS

The present patent application still comprises ninety-five (95) claims, numbered 1 to 95.

Claims 9 and 10 have been amended to correct minor informalities detected by the Applicants upon review of the application. Claims 42 to 95 have been withdrawn.

Support for the amendments can be found throughout the application as originally filed. It is believed that no new matter has been added to the application by the amendments.

1. Rejection of claims 1, 2, 5, 6, 8, 9, 20, 21, 23, 24 and 30 to 40 under 35 U.S.C. 103(a)

On page 3 of the Office Action, the Examiner rejects claims 1, 2, 5, 6, 8, 9, 20, 21, 23, 24 and 30 to 40 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2004/0068421 to Drapeau *et al.* ("Drapeau") in view of U.S. Patent 5,867,821 to Ballantyne *et al.* ("Ballantyne").

As discussed below, the Applicants respectfully traverse this rejection and submit that claims 1, 2, 5, 6, 8, 9, 20, 21, 23, 24 and 30 to 40 are patentable over Drapeau and Ballantyne.

For ease of reference, independent claim 1 is reproduced below with a feature being emphasized:

> An architecture for delivery of communications services within a hospital, comprising:
> - a set of healthcare data processing resources for providing healthcare communications services to users at a plurality of delivery points throughout the hospital;
> - a set of non-healthcare data processing resources for providing non-healthcare communications services to the users at the plurality of delivery points;
> - a data routing entity connected to the healthcare data processing resources and to the non-healthcare data processing resources;

- a common access infrastructure connected between the data routing entity and the plurality of delivery points, for supporting both the healthcare communications services and the non-healthcare communications services;
- **the data routing entity being operative to control access by the users at the plurality of delivery points to the healthcare data processing resources and to the non-healthcare data processing resources**.

The Examiner concedes that "Drapeau fails to teach **the data routing entity being operative to control access by the users at the plurality of delivery points to the healthcare data processing resources and to the non-healthcare data processing resources**".

However, the Examiner contends that "Ballantyne teaches controlling access by users at various access points to a master library that includes access to health care services and entertainment services (see: column 9, 54-67 and column 8, lines 7-64)", and that "[i]t would have been obvious to one of ordinary skill in the art to include in the integrated patient station of Drapeau, the controlled access as taught by Ballantyne because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable."

With respect, the Examiner's assertion is unfounded and cannot sustain an obviousness rejection.

Ballantyne's system does *not* control access by users to the "health care services" and to the "entertainment services", as the Examiner appears to contend. Rather, Ballantyne's system controls access to the "health care services" but does not control access to the "entertainment services".

This is clear from Ballantyne's column 7, line 66 to column 8, line 64 as well as column 9, line 50 to column 10, line 23, which include the very excerpts of Ballantyne that are referred to by the Examiner. Specifically, Ballantyne's system identifies and authenticates "individuals requesting *access to the health record database*" (col. 7, line 67 to col. 8, line 2), i.e., it

controls *access to this healthcare data processing resource*. However, Ballantyne's system neither identifies nor authenticates individuals requesting access to its "entertainment services", i.e., it does not control access to this non-healthcare data processing resource.

Indeed, Ballantyne's system displays on a screen at a patient care station (PCS) "a simplistic graphical user interface which categorizes the user as a "patient" or as "medical personnel"":

- if the user classifies himself/herself as "medical personnel", he/she enters his/her unique ID number to further be classified as a nurse or physician, at which point Ballantyne's system authenticates the nurse/physician to provide him/her with access to any or selected patient record information depending on the nurse/physician's access privileges (col. 10, lines 10 to 20; col. 8, lines 22 to 52; and Figs. 9A, 9B, 10A and 10B).
- if the user classifies himself/herself as a "patient", Ballantyne's system displays on the PCS's screen "a sub-menu [...] identifying all the services that are available" to the patient, including the "entertainment services" referred to by the Examiner, "*which are selected by a simple numeric designation*" (col. 9, lines 57 to 67; and Fig. 10A, steps 354 to 356). Clearly, this simple selection in no way amounts to controlling access to the "entertainment services"; on the contrary, there is no control on access to the "entertainment services" as the user is free to select any service he/she wants.

Ballantyne therefore fails to disclose or suggest **controlling access by users to healthcare data processing resources and to non-healthcare data processing resources**.

In view of the foregoing, it is clear that Drapeau and Ballantyne, whether taken alone or in combination, fail to disclose or suggest at least one feature of claim 1. This failure of the combination of cited references to disclose or suggest all of the claimed features precludes an

obviousness rejection[1]. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 1, which is believed to be allowable.

Each of claims 2, 5, 6, 8, 9, 20, 21, 23, 24 and 30 to 40 depends from independent claim 1 and thus incorporates by reference all the features of that independent claim. Accordingly, for at least the same reasons as those presented above, the Examiner is respectfully requested to withdraw the rejection of claims 2, 5, 6, 8, 9, 20, 21, 23, 24 and 30 to 40, which are believed to be allowable.

In addition to being allowable in view of their dependency on claim 1, claims 2, 5, 6, 8, 9, 20, 21, 23, 24 and 30 to 40 recite additional features which further distinguish them from the cited art.

For example, claim 9 recites that, in one embodiment, "the non-healthcare data processing resources comprise a **non-healthcare authentication entity** for authenticating users at the delivery points claiming to be **non-healthcare users**". Neither Drapeau nor Ballantyne discloses such a non-healthcare authentication entity. In this regard, the Examiner's statement on page 6 of the Office Action that "Ballantyne teaches a security screening access process for both patients and physcians [*sic*]" is incorrect since, as discussed above, Ballantyne's system neither identifies nor authenticates a user classifying himself/herself as a "patient". Indeed, while it authenticates a user classifying himself/herself as "medical personnel", Ballantyne's system does not authenticate a user classifying himself/herself as a "patient"; rather, Ballantyne's system immediately displays to a user classifying himself/herself as a "patient" a menu allowing the user to freely select services of his/her choice. Clearly, therefore, there is no "non-healthcare authentication entity" in Ballantyne's system.

[1] The Examiner's assertion that "the claimed invention is merely a combination of old elements" is unfounded since "the data routing entity being operative to control access by the users at the plurality of delivery points to the healthcare data processing resources and to the non-healthcare data processing resources" is neither disclosed nor suggested by Drapeau and Ballantyne and, consequently, is not an "old element".

2. Rejection of claims 3, 4, 7, 10 to 19, 22, 25 to 29 and 41 under 35 U.S.C. 103

On pages 8 to 14 of the Office Action, the Examiner rejects claims 3, 4, 7, 10 to 19, 22, 25 to 29 and 41 under 35 U.S.C. 103(a) as being unpatentable over Drapeau in view of Ballantyne and in view of one of several other references.

As discussed below, the Applicants respectfully traverse these rejections and submit that claims 3, 4, 7, 10 to 19, 22, 25 to 29 and 41 are patentable over the cited references.

Each of claims 3, 4, 7, 10 to 19, 22, 25 to 29 and 41 depends on independent claim 1 and thus incorporates by reference all of the features of that independent claim, including those emphasized above in section 1 which have been shown to be non-obvious from the Examiner's combination of Drapeau and Ballantyne.

- On page 8 of the Office Action, claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drapeau in view of Ballantyne and in view of U.S. Patent Application Publication 2002/0144144 to Weiss *et al.* ("Weiss"). According to the Examiner, Weiss teaches "a single VPN device that can be shared by two customers to make two separate VPN connections". If Weiss adds nothing more than this, it follows that Weiss does not remedy the deficiencies of the Examiner's combination of Drapeau and Ballantyne, as discussed above in section 1. Therefore, for the reasons presented above in section 1, the Examiner is respectfully requested to withdraw the rejection of claims 3 and 4, which are believed to be allowable.

- On page 9 of the Office Action, claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Drapeau in view of Ballantyne and in view of Jan Metzger and Fran Turisco (reference 2 on 09/03/04 IDS) ("Metzger"). According to the Examiner, Metzger teaches "a computerized physician order entry system". If Metzger adds nothing more than this, it follows that Metzger does not remedy the deficiencies of the Examiner's combination of Drapeau and Ballantyne, as discussed above in section 1.

Therefore, for the reasons presented above in section 1, the Examiner is respectfully requested to withdraw the rejection of claim 7, which is believed to be allowable.

- On page 10 of the Office Action, claims 10 to 19 and 25 to 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drapeau in view of Ballantyne and in view of U.S. Patent 6,067,623 to Blakley, III *et al.* ("Blakley"). According to the Examiner, Blakley teaches "a middle tier server [...] that detects a request for resource access with client credentials [...], determines the destination by mapping the authenticated user id to an id for the resource using an id map [...], and releases the transformed id to the resource for a secondary authentication of the user". If Blakley adds nothing more than this, it follows that Blakley does not remedy the deficiencies of the Examiner's combination of Drapeau and Ballantyne, as discussed above in section 1. Therefore, for the reasons presented above in section 1, the Examiner is respectfully requested to withdraw the rejection of claims 10 to 19 and 25 to 29, which are believed to be allowable.

- On page 14 of the Office Action, claims 22 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drapeau in view of Ballantyne and in view of the Examiner's Official Notice. The Examiner officially notes that "personal video recording was common and well known in the art at the time of the invention". This clearly does not remedy the deficiencies of the Examiner's combination of Drapeau and Ballantyne, as discussed above in section 1. Therefore, for the reasons presented above in section 1, the Examiner is respectfully requested to withdraw the rejection of claims 22 and 41, which are believed to be allowable.

CONCLUSION

Claims 1 to 41 are believed to be in condition for allowance. Favorable reconsideration is requested. Allowance of the present patent application is earnestly solicited.

If the claims of the present patent application are not considered to be in full condition for allowance, for any reason, the Applicants respectfully request the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims or in making constructive suggestions so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,

RADowell 53604

Ralph A. Dowell
Reg. No. 26,868
Attorney for the Applicants

Date:

DOWELL & DOWELL, P.C.
Suite 220
103 Oronoco Street
Alexandria, VA 22314
Tel.: (703) 739-9888
Fax.: (703) 739-9889